

35 USC §103

Claims 1-11 stand rejected under 35 USC §103 as being obvious over prior art disclosed in the specification. This rejection is respectfully traversed.

The Examiner characterizes pages 1-4 of the specification as an admission that (1) write protection in rewritable disks are well known; and (2) power calibration areas are used in optical disks for calibrating laser power. The Examiner asserts that covering or masking areas on a disk is a common practice. From these two alleged admissions and one assertion, the Examiner concludes that the invention recited in the claims would be obvious.

The Applicant respectfully disagrees with the Examiner's conclusion. The Examiner's argument has only shown that it would have been possible for one of ordinary skill in the art to cover or mask power calibration areas. The Examiner has not shown that one of ordinary skill would have been motivated to do so.

The first alleged admission must be properly understood. The specification makes only two admissions regarding write protection. First, the cartridge of rewritable mass memory media typically includes a write-protect feature. Second, software based write protection has been proposed. These two write protection techniques are discussed in the specification from page 1, line 11 to page 2, line 7. The specification in no way admits that it is known to provide write protection directly on the disk medium. To the contrary, the Applicant has discovered the need to provide write protection directly on the disk medium.

It is respectfully submitted that the Examiner has not made a *prima facie* showing of obviousness, because the Examiner has not shown that one of ordinary skill in the art would have been motivated to cover, abrade, or shield a power calibration area of a disk. Only the Applicant has discovered the advantages to this approach. It is impermissible hindsight for the Examiner to use the Applicant's own teachings against him. The Examiner is respectfully requested to either produce a reference showing a motivation to cover, abrade, or shield a power calibration area of a disk or withdraw the rejection.

The Applicant has reviewed Roth, cited but not relied upon by the Examiner. Neither Roth nor any other art made of record provides the requisite motivation or reason to cover, abrade, or shield a power calibration area of a disk.

In view of the above remarks, it is respectfully requested that the rejections be withdrawn. The Applicant believes the claims are in condition for allowance. If the undersigned can assist in expediting the issuance of the application, the Examiner is invited to telephone the undersigned representatives.

Respectfully submitted,

Date: _____

John W. Ryan
Reg. No. 33,771

Matthew C. Phillips
Reg. No. P-43,403

DRAFT

DORSEY & WHITNEY LLP

1330 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20036

Telephone: (202) 452-6900
Facsimile: (202) 857-0569